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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/838,011

04/19/2001

Alexander Kobilansky

US010210

3719

24737

7590

04/28/2004

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

COUSO, YON JUNG

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 04/28/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,011

Applicant(s)

KOBILANSKY ET AL.

Examiner

Yon Couso

Art Unit

2625

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Linford et al.

As to claim 1, Linford teaches a method of repairing an image, comprising the steps of: presenting a user with the image (edited image at column 21, line 57); and presenting the user with an image defect matte (column 21, lines 58-62) that allows the user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

As to claim 2, Linford teaches the image defect matte in an array of elements, wherein each of the elements assuming one of several possible values representing different degrees of repair (column 10, lines 13-16).

As to claim 3, Linford teaches each element of the image defect matte corresponds to one or more pixels in the image (312 in figure 14B).

As to claim 4, Linford teaches the image defect matte indicates each of the different possible values using a color mapping (highlight at column 21, lines 58-62).

As to claim 5, Linford teaches the image defect matte indicates a region of the image having one of the different possible values using a boundary outline (figures 14C and 14D).

As to claim 6, Linford teaches the changes to be made to the image are not implemented until initiated by the user (column 22, lines 57-61).

As to claim 7, Linford teaches one or more graphical tools that allow the user to modify the image defect matte before the changes are made to the image (column 22, line 57-column 23, line 19).

As to claim 8, Linford teaches the image defect matte indicates portions of an original image that have been repaired in one or more previous iteration (highlight at column 21, lines 58-62).

As to claim 9, Linford teaches the image defect matte indicates portions of an original image having one or more proposed modifications for a current iteration (figure 14A).

As to claim 10, Linford teaches one or more changes to be made to the image is a further repair of a selected region of the image (column 22, lines 57-61).

As to claim 12, Linford teaches the one or more changes to be made to the image is a cancellation of a previous repair of a selected region of the image (column 22, lines 57-61).

As to claim 13, Linford teaches the step of prioritizing the image based on a defect metric that quantifies a degree of defects in the image (column 22, lines 64-column 23, line 3).

As to claim 14, Linford teaches a system for repairing an image, comprising: a memory that stores computer-readable code (26 in figure 1); and a processor operatively coupled to the memory, the processor configured to implement the

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computer-readable code (22 in figure 1), the computer-readable code configured to: present a user with the image (edited image at column 21, line 57)); and present the user with an image defect matte (column 21, lines 58-62) that allows the user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

As to claim 15, Linford teaches the image defect matte in an array of elements, wherein each of the elements assuming one of several possible values representing different degrees of repair (column 10, lines 13-16).

As to claim 16, Linford teaches each element of the image defect matte corresponds to one or more pixels in the image (312 in figure 14B).

As to claim 17, Linford teaches the processor is further configured to provide one or more graphical tools that allow the user to modify the image defect matte before the changes are made to the image (column 22, line 57-column 23, line 3).

As to claim 19, Linford teaches the processor is further configured to prioritize the image based on a defect metric that quantifies a degree of defects in the image (column 22, line 64-column 23, line 3).

As to claim 20, Linford teaches an article of manufacture for repairing an image, comprising: a computer readable medium having computer readable code means embodied thereon, the computer readable program code means comprising: a step to present a user with the image (edited image at column 21, line 57); and a step to present the user with an image defect matte (column 21, lines 58-62) that allows the

user to graphically specify one or more changes to be made to the image (column 22, lines 57-61).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linford et al in view of Shimada et al.

The arguments advanced in paragraph 1 above as to the applicability of the reference are incorporated herein.

As to claims 11 and 18, Linford teaches video camera (column 5, lines 44-51) which generates stream of image frames. However, Linford does not teach details on maintaining the selected region of the image for a subsequent or previous frame to repair a steady defect in the image. Shimada teaches repairing a pixel associated with

motion-picture process, in which Shimada discloses maintaining the selected region of the image for a subsequent or previous frame to repair a steady defect in the image (background of invention column 2, lines 42-44, inter-frame technique). Inter-frame technique as described in the Shimada's reference is old and well known in the art that it would have been obvious to one of ordinary skills in the art to incorporate Shimada's defect correction using inter-frame technique into Linford, which uses video camera for the source of image, which would enhance the overall image quality in the system.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

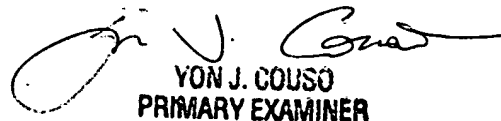
Hawthorne et al, Pourjavid, Kundu, and Blank are also cited.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on 8:30 am –5:00 pm from Monday to Friday

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Yjc
April 23, 2004


YON J. COUSO
PRIMARY EXAMINER